

APPENDIX

From: [Walter, Harold](#)
To: [Thorne, René E. \(New Orleans\)](#); [Forney, Geoffrey - SOL](#); [Kurman, Howard](#); [Koonin, Marc](#); [Gee, Theresa](#); [Amiot, Brooks R. \(Baltimore\)](#)
Subject: RE: Perez v. Chimes, 15-3315 -- Motion to Add Defendant
Date: Friday, April 29, 2016 12:07:04 PM
Attachments: [image002.png](#)
[image004.png](#)
[image005.png](#)

Geoff:

We need to see the proposed amended complaint before we can respond.

Hal

Harold M. Walter
Principal
Chairman Emeritus of the Commercial Litigation Department
OffitKurman[®]
Attorneys At Law

the perfect **legal partner[®]**

410.209.6448 Baltimore
410.209.6435 Facsimile

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Baltimore
300 East Lombard Street | Suite 2010 | Baltimore, MD 21202

From: Thorne, René E. (New Orleans) [mailto:ThorneR@jacksonlewis.com]
Sent: Friday, April 29, 2016 11:09 AM
To: Forney, Geoffrey - SOL <forney.geoffrey@DOL.GOV>; Walter, Harold <hwalter@offitkurman.com>; Kurman, Howard <hkurman@offitkurman.com>; Koonin, Marc <Marc.Koonin@sedgwicklaw.com>; Theresa S Gee. (tgee@milchev.com) <tgee@milchev.com>; Amiot, Brooks R. (Baltimore) <Brooks.Amiot@jacksonlewis.com>
Subject: RE: Perez v. Chimes, 15-3315 -- Motion to Add Defendant

Geoff,

Will you share with us the amended complaint?

Regards,

René

René E. Thorne
Managing Principal, New Orleans Office

jackson | lewis P.C.

650 Poydras Street
Suite 1900
New Orleans, Louisiana 70130
504.208.5827 | Direct
504.208.1759 | Fax
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Representing Management Exclusively In Workplace Law And Related Litigation.

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From: Forney, Geoffrey - SOL [<mailto:forney.geoffrey@DOL.GOV>]

Sent: Friday, April 29, 2016 9:37 AM

To: Walter, Harold; Kurman, Howard; Koonin, Marc; Theresa S Gee. (tgee@milchev.com); Thorne, René E. (New Orleans); Amiot, Brooks R. (Baltimore)

Subject: Perez v. Chimes, 15-3315 -- Motion to Add Defendant

Importance: High

Counsel,

The Department intends to move for leave to file an amended complaint for the sole purpose of adding a defendant. In that connection, the Department intends to add Marilyn Ward, one of the trustees of the Chimes Plan, as a defendant.

We do not contemplate alleging any additional facts relating to the existing defendants. The proposed, amended complaint simply adds new counts alleging ERISA breaches by Marilyn Ward.

Please let me know whether your clients consent to a motion for leave to file an amended complaint to add Marilyn Ward as a defendant.

Thank you,

Geoffrey Forney
Trial Attorney
Office of the Solicitor
United States Department of Labor

The Curtis Center, Ste. 630 East
170 S. Independence Mall West
Philadelphia, PA 19106
215-861-5137

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From: [Thorne, René E. \(New Orleans\)](#)
To: [Forney, Geoffrey - SOL](#); [Walter, Harold](#); [Kurman, Howard](#); [Koonin, Marc](#); [Gee, Theresa](#); [Amiot, Brooks R. \(Baltimore\)](#)
Subject: RE: Perez v. Chimes, 15-3315 -- Motion to Add Defendant
Date: Friday, April 29, 2016 11:08:38 AM

Geoff,

Will you share with us the amended complaint?

Regards,

René

René E. Thorne
Managing Principal, New Orleans Office

jackson | lewis P.C.

650 Poydras Street

Suite 1900

New Orleans, Louisiana 70130

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Sent: Friday, April 29, 2016 9:37 AM
To: Walter, Harold; Kurman, Howard; Koonin, Marc; Theresa S Gee. (tgee@milchev.com); Thorne, René E. (New Orleans); Amiot, Brooks R. (Baltimore)
Subject: Perez v. Chimes, 15-3315 -- Motion to Add Defendant
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Please let me know whether your clients consent to a motion for leave to file an amended complaint to add Marilyn Ward as a defendant.

Thank you,

Geoffrey Forney
Trial Attorney
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United States Department of Labor
The Curtis Center, Ste. 630 East
170 S. Independence Mall West
Philadelphia, PA 19106
215-861-5137

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From: [Forney, Geoffrey - SOL](#)
To: [Gee, Theresa](#); [Walter, Harold](#); [Kurman, Howard](#); [Koonin, Marc](#); [Thorne, René E. \(New Orleans\)](#); [Amiot, Brooks R. \(Baltimore\)](#)
Cc: [Robert Eassa \(Robert.Eassa@sedgwicklaw.com\)](#); [David Crutcher \(david@crutcherlaw.com\)](#)
Subject: RE: Perez v. Chimes, 15-3315 -- Motion to Add Defendant
Date: Friday, April 29, 2016 5:37:33 PM

We've already filed the motion. I'm assuming the parties will either file oppositions or file statements indicating no opposition.

Geoff Forney
215-861-5137

From: Gee, Theresa [<mailto:tgee@milchev.com>]
Sent: Friday, April 29, 2016 3:36 PM
To: Forney, Geoffrey - SOL; Walter, Harold; Kurman, Howard; Koonin, Marc; Thorne, René E. (New Orleans); Amiot, Brooks R. (Baltimore)
Cc: Robert Eassa (Robert.Eassa@sedgwicklaw.com); David Crutcher (david@crutcherlaw.com)
Subject: RE: Perez v. Chimes, 15-3315 -- Motion to Add Defendant

Thanks, Geoff. We'll get back to you.

From: Forney, Geoffrey - SOL [<mailto:forney.geoffrey@DOL.GOV>]
Sent: Friday, April 29, 2016 3:25 PM
To: Gee, Theresa; Walter, Harold; Kurman, Howard; Koonin, Marc; Thorne, René E. (New Orleans); Amiot, Brooks R. (Baltimore)
Cc: Robert Eassa (Robert.Eassa@sedgwicklaw.com); David Crutcher (david@crutcherlaw.com)
Subject: RE: Perez v. Chimes, 15-3315 -- Motion to Add Defendant

Here is a draft of the amended complaint. Although the purpose is to add Ward as a defendant, the allegations relating to her will necessarily have a connection to the other defendants. But I do not contemplate any new allegations aside from tying Ward into the existing allegations.

The new paragraphs are the following, with parentheses reflecting allegations that directly affect other parties. 4, 6, 20, 46 (FCE), 54 (FCE), 55 (FCE), 56-59, 60 (Chimes), 61 (FCE), 62-63, 71-72, and Counts VII, VIII, IX, and X. Of course, you can double-check my assessment by doing a search for "Ward" throughout the document.

Please let me know whether you oppose a motion for leave to file the amended complaint.

Thank you,

Geoff Forney
215-861-5137

From: Gee, Theresa [<mailto:tgee@milchev.com>]
Sent: Friday, April 29, 2016 12:12 PM
To: Forney, Geoffrey - SOL; Walter, Harold; Kurman, Howard; Koonin, Marc; Thorne, René E. (New Orleans); Amiot, Brooks R. (Baltimore)
Cc: Robert Eassa (Robert.Eassa@sedgwicklaw.com); David Crutcher (david@crutcherlaw.com)

Subject: RE: Perez v. Chimes, 15-3315 -- Motion to Add Defendant

Geoff,

Could you please forward a black-lined version of the proposed amended complaint showing the proposed changes?

Tess

THERESA S. GEE

Miller & Chevalier Chartered
900 16th Street NW | Washington, DC 20006
tgee@milchev.com | 202.626.5928 | millerchevalier.com

***We recently moved our offices – please note our new address.
Telephone numbers and email addresses remain the same.***

* * *

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From: Forney, Geoffrey - SOL [<mailto:forney.geoffrey@DOL.GOV>]
Sent: Friday, April 29, 2016 10:37 AM
To: Walter, Harold; Kurman, Howard; Koonin, Marc; Gee, Theresa; Thorne, René E. (New Orleans); Amiot, Brooks R. (Baltimore)
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